

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10 WILLIAM RENO GERBER,) CASE NO. ED CV 10-536-ODW (PJW)
11 Petitioner,)
12 v.) ORDER ACCEPTING REPORT AND
13 SILVIA H. GARCIA, WARDEN,) RECOMMENDATION OF UNITED STATES
14 Respondent.) MAGISTRATE JUDGE AND DENYING
15) CERTIFICATE OF APPEALABILITY
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Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the records on file, and the Report and Recommendation of United States Magistrate Judge. No objections to the Report and Recommendation have been filed. The Court accepts the Magistrate Judge's Report and adopts it as its own findings and conclusions.

Further, for the reasons stated in the Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right and, therefore, a certificate of appealability should not issue in this action. See 28 U.S.C.

1 § 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S.
2 322, 336 (2003).

DATED: August 24, 2010.

OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE